

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



May 17, 2011

Tim Smith, Deputy Fire Chief  
Fire Department  
City of Lemon Grove  
7853 Central Avenue  
Lemon Grove, CA 91945-2541

Dear Mr. Smith:

This letter is to acknowledge receipt on May 12, 2011 of the City of Lemon Grove submittal pertaining to Ordinance No. 395 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



# CITY OF LEMON GROVE

"Best Climate On Earth"

## Fire Department

May 6, 2011

California Building Standards Commission  
2525 Natomas Park drive, Suite 130  
Sacramento, CA 95833

To whom it may concern,

Enclosed please find the City of Lemon Grove's approved local amendments and findings for the 2010 California Fire Code.

Please feel free to contact me if you have any questions.

Respectfully,

Tim Smith  
Deputy Fire Chief

RECEIVED  
CALIFORNIA BUILDING  
STANDARDS COMMISSION  
2011 MAY 12 AM 10:44



**ORDINANCE NO. 395**

**AN ORDINANCE OF THE CITY OF LEMON GROVE ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, KNOWN AS THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9 (CCR, T-24, P-9), INCORPORATING THE INTERNATIONAL FIRE CODE, 2009 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS, AND, AMENDING TITLE 11 OF THE LEMON GROVE MUNICIPAL CODE AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH**

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**WHEREAS**, Health & Safety Code Section 17958 mandates that the City of Lemon Grove shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code, Section 17922;

**WHEREAS**, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2010 California Fire Code, hereinafter referred to collectively as the Fire Code;

**WHEREAS**, the State of California is mandated by Health & Safety Code section 17922 to impose the same requirements as are contained in the 2010 California Fire Code, together with the City of Lemon Grove amendments shall be the City of Lemon Grove Fire Code for the purpose of prescribing regulations in the incorporated territory of the County of San Diego and the City of Lemon Grove;

**WHEREAS**, code amendments adopted by the State of California shall take precedence over the 2010 California Fire Code language. The 2010 California Fire Code language shall be used for those code sections not adopted by the State;

**WHEREAS**, local amendments adopted by the City of Lemon Grove shall take precedence over both the 2010 California Fire Code and the 2009 International Fire Code;

**WHEREAS**, Health & Safety Code Section 17958.5 permits the City of Lemon Grove to make such changes or modifications to the Codes as are reasonably necessary because of local conditions;

**WHEREAS**, Health & Safety Code Section 17958.7 requires that the City of Lemon Grove before making any changes or modifications pursuant to Section 17958.5 make express findings that such changes or modifications are needed due to climatic, geographic, or topographic conditions;

**WHEREAS**, the City Council of the City of Lemon Grove does herewith find that the City of Lemon Grove has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services;

**WHEREAS**, the City of Lemon Grove finds that the modifications and changes to the 2010 California Fire Code are reasonably necessary because of the local climatic, geological, and topographical conditions as identified in Exhibit 1;

**WHEREAS**, certain amendments to the 2010 California Fire Code serve to mitigate to the extent possible said deleterious effects; and

**WHEREAS**, Section 50022.1 through 50022.10, inclusive, of the Government code and Section 13869 of the Health and Safety Code, provide authority for the adoption by reference of codes, or portion of such codes.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMON GROVE DOES ORDAIN AS FOLLOWS:**

**SECTION 1**

That a certain document, three (3) copies of which are on file in the office of the City of Lemon Grove Fire Department, being marked and designated as the 2010 California Fire Code, including Appendix Chapters, Appendix Chapter 4, Appendix B, BB, C, CC, H, I and J as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Lemon Grove Fire Department, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, equipment use, and maintenance of buildings and structures, and applies to all Fire & Life Safety recommendations regarding all ministerial and discretionary planning applications, including that providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Lemon Grove Fire Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in **Section 2** of this ordinance.

**SECTION 2**

That the following sections are hereby revised:

**Division II Administration Chapter 1 - Section 104.12 Cost Recovery** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 104.12 COST RECOVERY**

**(A) Section 104.12.1 Purpose** The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the City of Lemon Grove Fire Department to protect the public from fire or hazardous substances and situations.

**(A) Section 104.12.2 Reimbursement**

(a) In accordance with the Health and Safety Code section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursement to the agency for the costs incurred.

(b) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence, proximately causes any incident and thereby requires the agency to provide an emergency response shall reimburse the agency for the cost incurred.

**Division II Administration Chapter 1 - Section 105.3.9 Expense Recovery** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 105.3.9 EXPENSE RECOVERY** The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the City of Lemon Grove Fire Department to protect the public from fire, hazardous substances and situations.

**Division II Administration Chapter 1 - Section 105.6 Required Operational Permits** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 105.6.48 Christmas Tree Lots.** An operational permit is required to operate a Christmas tree lot with or without flame proofing services.

**(A) Section 105.6.19.1 Greenwaste Recycling, Mulching, Composting Operations and Storage.** An operational permit is required to conduct commercial mulching and composting operations.

**Division II Administration Chapter 1 - Section 108 Appeals:** the following is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 108. Appeals Procedure for The City Of Lemon Grove:** Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply, the applicant may appeal the decision to the Lemon Grove City Council within thirty days from the date of the decision appealed.

**Division II Administration Chapter 1 - Section 109.3 Violation Penalties** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 109.3. Violation Penalties** - Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specification or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the attorney for the City of Lemon Grove Fire Department or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of an infraction or misdemeanor, punishable by a fine not exceeding \$1000.00 or by imprisonment in County Jail not exceeding six (6) months, or both. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten-day that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Division II Administration Chapter 1 - Section 111.4 Failure to Comply** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 111.4 Failure to Comply** – Any person, who shall continue any work having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 dollars or more than \$1,000 dollars.

**Chapter 2 Definitions - Section 202** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) ACCESSORY STRUCTURE.** A building or structure used to shelter or support any material, equipment, chattel, or occupancy other than a habitable building. (A) (See Structure)

**(A) Combustible Vegetation** is material that in its natural state will readily ignite, burn and transmit fire from the vegetative growth to any structure, this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

**(A) Discretionary Project** "Discretionary Project" means a project, which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

**(A) Fire Authority Having Jurisdiction (FAHJ)** is the designated entity providing enforcement of fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.

**(A) Fire Department** is any regularly organized fire department, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or Fire Company regularly charged with the responsibility of providing fire protection to the jurisdiction.

**(A) Fire Hazard** is anything that increases or could create an increase of the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of occupants in the event of fire.

**(A) Fuel Modification Zone** is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought-tolerant, fire-resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to take action.

**(A) Hazardous Fire Area** is any geographic area mapped by the State or local jurisdiction as a high or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

**(A) HEAVY TIMBER CONSTRUCTION** as described in the California Building Code.

**(A) Off-site Roadway** a road, street, public highway, or private road used for fire apparatus access from a publicly maintained road to the boundary of the subject property.

**(A) On-site Roadway** a road, street, public highway, private road, or driveway used for fire apparatus access within the boundaries of the subject property or land division.

**(A) Planning Authority Having Jurisdiction (PAHJ)** the identified authority regulating and enforcing planning and/or construction standards.

(A) **Structure** means a residence and attached garage, building or related facility that is designed primarily for human use or habitation or buildings designed specifically to house farm animals. Decking, fences, and similar facilities are not considered structures for the purposes of establishing the limits of the fuel modification zone. Freestanding open sided shade covers; sheds, gazebos, and similar accessory structures less than 250 square feet and 30 feet or more from the main building are not considered structures for the purposes of this appendix. (See Accessory Structure)

(A) **Vegetation Conflagration** is an uncontrolled fire spreading through vegetative fuels, and exposing and consuming structures in the advancing path of fire.

(A) **TRAVEL TIME.** The estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

(A) **Wildland-Urban Interface Code:** Code regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as adopted by the local FAHJ.

(A) **“Response Time”** is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives at the scene.

**Chapter 3 General Precautions Against Fire - Section 307.5.1** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(R) **Section 307.5 Attendance.** Open burning; bonfires, or recreational fires and the use of portable outdoor fireplaces shall be constantly attended **by an adult** until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

**Chapter 3 General Precautions Against Fire - Section 316.3.1** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(A) **Section 316.3.1 Cumulative Remedy.** The procedures established in this section are in addition to criminal, civil or other legal remedies that may be available to the City of Lemon Grove to enforce violations of the municipal code or applicable state codes.

**Chapter 3 General Precautions Against Fire - Section 318** General Storage of Firewood is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(A) **Section 318 - General Storage of Firewood.** Firewood shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood material stored in the defensible space shall be located a minimum of 30 feet from structures and separated from the crown of trees by a minimum of 15 feet, measured horizontally. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard.

**Chapter 5 Fire Service Features - Section 502** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) FIRE APPARATUS ACCESS ROAD.** A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term that includes, but is not limited to a fire lane, public street, private street, driveway, parking lot lane or access roadway.

**Chapter 5 Fire Service Features - Section 503** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 503.2.1 Dimensions.** (a) Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet, except for single-family residential driveways serving no more than two single-family dwellings, which shall have a minimum of 16 feet of unobstructed improved width. Any of the following, which have separated lanes of one-way traffic: gated entrances with card readers, guard stations or center medians, are allowed, provided that each lane is not less than 14 feet wide.

(b) All fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. Vertical clearances or road widths shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

**EXCEPTION:** Upon approval of the fire code official, vertical clearances or road width may be reduced as long as the reduction does not impair access by fire apparatus. In cases where the vertical clearance has been reduced approved signs shall be installed and maintained indicating the amount of vertical clearance.

**(A) Section 503.3.1 Fire Lane Designation.** Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1 (public) or 22658(a) (private).

**(A) Section 503.4.1 Roadway Design Features.** Roadway design features (speed bumps, speed humps, speed control dips, etc.) which may interfere with emergency apparatus responses shall not be installed on fire access roadways, unless they meet design criteria approved by the fire code official.

**(A) Section 503.6 Security Gates.** No person shall install a security gate or security device across a fire access roadway without the fire code official's approval. All gates providing access from a road to a driveway shall be located a minimum of 30 feet from the nearest edge of the roadway and shall be at least two feet wider than the width of the traffic lane(s) serving the gate. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate. A gate accessing more than four residences or residential lots or a gate accessing hazardous institutional, educational or assembly occupancy group structure, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved by the fire code official, which will activate the gate on the approach of emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure. An automatic gate shall meet fire department policies deemed necessary by the fire code official for rapid, reliable access. An automatic gate serving more than one dwelling or residential lot in existence at the time



of adoption of this chapter is required to install an approved emergency key-operated switch or other mechanism approved by the fire code official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within 90 days of receiving written notice to comply. Where this section requires an approved key-operated switch, it may be dual-keyed or equipped with dual switches provided to facilitate access by law enforcement personnel. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

**Chapter 5 Fire Service Features - Section 505** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 505.1 ADDRESS NUMBERS.** Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 3" high with ½" stroke for individual suites and apartments, 4" high with a 1/2 " stroke for residential buildings, 8" high with a ½" stroke for commercial and multi-residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers. The Fire code official may establish different minimum sizes for numbers for various categories of projects.

**(A) Section 505.4 MAP DIRECTORIES.** A lighted directory map, meeting current fire department standards, shall be installed at each driveway entrance to multiple unit residential projects and mobile home parks, where the numbers of units in such projects exceed 15.

**(A) Section 505.5 RESPONSE MAP UPDATES:** Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format (PDF and/or CAD format as approved by the FAHJ) or compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

**Chapter 5 Fire Service Features - Section 506** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 506.2.1 EMERGENCY KEY ACCESS.** All central station-monitored fire detection systems and fire sprinkler systems shall have an approved emergency key access box on site in an approved location. The owner or occupant shall provide and maintain current keys for the structure(s) for fire department placement in the box, and shall notify the fire department in writing when the building is re-keyed.

**Chapter 5 Fire Service Features - Section 507** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 507.5.1 Where Required.** Group R-3 and U Occupancies: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed

or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 400 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required flow shall be provided when required by the fire code official. The size of fire hydrant outlets shall be a minimum of one 4 inch and one 2-½ inch NST outlet or greater as required by the fire code official.

**EXCEPTION:** Remodels and additions: Existing structures which are remodeled or added to where the amount of new area does not exceed 1,500 square feet and the additional or remodeled area is protected with an approved automatic fire extinguishing system, the distance requirement shall be not more than 600 feet.,

**(A) Section 507.5.1.1 WATER SUPPLIES AND FIRE HYDRANTS.** In multi-family zones and in commercial and industrial zones, fire hydrants shall be installed at intersections, at the beginning radius of cul-de-sacs, and every 300 feet of fire access roadways, regardless of parcel size. The size of fire hydrant outlets shall be a minimum of one 4 inch and two 2-½ inch NST outlet or greater as required by the fire code official.

**EXCEPTION:** When improved methods of fire protection are provided, beyond those required by the Code, and accepted by the Fire code official, adjusted spacing of fire hydrants from those set forth above may be considered.

**Chapter 5 Solar Photovoltaic Installations - Section 511** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 511 Solar Photovoltaic Installations**

**(A) Section 511.1 General.** The installation of solar photovoltaic installations shall comply with Table 601 and Chapter 16 of the *International Building Code*. The installation shall also comply with Sections 511.2 through 511.11 and NFPA 70.

**(A) Section 511.2 Circuit Marking.** To facilitate identifying energized electrical lines that connect the solar panels to the inverter, to prevent these conduits from being cut when venting for smoke removal, markings shall be provided to give emergency responders appropriate warning that a solar electric system is present.

**(A) Section 511.3 Materials.** The materials used for marking shall be reflective, weather resistant and suitable for the environment.

**(A) Section 511.4 Main Service Disconnect.** For residential occupancies, the marking shall be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking shall be placed on the outside cover. For commercial occupancies, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

**(A) Section 511.4.1. Marking Content and Format.** The marking shall contain the words "CAUTION: SOLAR ELECTRIC CONNECTED" in capital letters a minimum of 3/8 inches in height with white letters on a red background.

**(A) Section 511.5 DC Conduit, Raceways, Enclosures, Cable Assemblies, and Junction Boxes.** Marking shall be provided on all interior and exterior dc conduit, raceways, enclosures, cable assemblies, and junction boxes to alert the fire service to their presence. The marking shall be placed every 10 feet or fraction thereof, at turns and above and below penetrations, and on all do combiner and junction boxes.

**(A) Section 511.5.1 Marking Content and Format.** The marking shall contain the words "CAUTION: SOLAR ELECTRIC CONNECTED" in capital letters a minimum of 3/8 inches in height with white letters on a red background.

**(A) Section 511.5.2 Locations of DC Conductors.** Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays.

**(A) Section 511.6 Power Disconnects.** A solar disconnect shall be located within 3 feet of the photovoltaic array to provide for de-energizing the DC circuit(s) from the array to the inverter. The disconnect shall be label with reflective lettering.

**(A) Section 511.7 Access, Pathways for Smoke Ventilation.** Roof access and spacing requirements shall be observed in order to ensure access to the roof, provide pathways to specific areas of the roof, and provide for smoke ventilation operations; and to provide emergency egress from the roof.

**(A) Section 511.8 Roof Access Points.** Roof access points shall be defined as an area that does not place ground ladders over openings such as windows or doors, and are located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

**(A) Section 511.9. Residential Systems-One and Two-Family Residential Dwellings.** Access shall be provided in accordance with Sections 511.9.1 through 511.9.3

**(A) Section 511.9.1 Residential buildings with hip roof layouts.** Panels shall be located in a manner that provides one (1) three-foot (3') wide clear access pathway from the eave to the ridge on each roof slope where panels are located. The access pathway shall be located at a structurally strong location on the building such as along a underlying bearing wall.

**(A) Section 511.9.2 Residential Buildings with a Single Ridge.** Panels shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where panels are located.

**(A) Section 511.9.3 Hips and Valleys:** Panels shall be located no closer than one and one half (1.5) feet to a hip or a valley if panels are to be placed on both sides of a hip or valley. If the panels are to be located on only one side of a hip or valley that is of equal length then the panels shall be permitted to be placed directly adjacent to the hip or valley.

**(A) Section 511.9.4 Ventilation.** Panels shall be located no higher than three feet (3) below the ridge.

**EXCEPTION:** The fire department is authorized to allow panels to be located two (2) feet below the ridge if a product or method acceptable to the fire department has been provided for ventilation.

**(A) Section 511.10 All Other Occupancies.** Access shall be provided in accordance with Sections 511.10.1 through 511.10.2. There shall be a minimum six (6) foot wide clear perimeter around the edges of the roof.

**EXCEPTION:** If either axis of the building is 250 feet or less, there shall be a minimum four feet (4') wide clear perimeter around the edges of the roof.

**(A) Section 511.10.1 Pathways.** The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements:

1. The pathway shall be over structural members.
2. The center line axis pathways shall be provided in both axis of the roof. Center line axis pathways shall run on structural members or over the next closest structural member nearest to the center lines of the roof.
3. Shall be straight line not less than 4 feet clear to skylights and/or ventilation hatches.
4. Shall be straight line not less than 4 feet clear to roof standpipes.
5. Shall provide not less than 4 feet clear around roof access hatch with at least one not less than 4 feet clear pathway to parapet or roof edge.

**(A) Section 511.10.2 Ventilation.** The solar installation shall be designed to meet the following requirements.

1. Arrays shall be no greater than 50 by 50 feet in distance in either axis.
2. Ventilation options between array sections shall be either a pathway 8 feet or greater in width; a 4 feet or greater in width pathway and bordering on existing roof skylights or ventilation hatches, or a 4 feet or greater in width pathway and bordering 4' x 8' "venting cutouts" every 20 feet on alternating sides of the pathway.

**(A) Section 511.11 Ground Mounted Photovoltaic Arrays.** Ground mounted photovoltaic arrays shall comply with Sections 511.1 through 511.6 and this section. Setback requirements do not apply to ground-mounted, free standing photovoltaic arrays. A clear brush area of 10' is required for ground mounted photovoltaic arrays.

**Chapter 9 Fire Sprinkler Systems – Section 903** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 903.2 Where Required.** Approved automatic fire sprinkler systems are required in all new structures. For the purpose of fire-sprinkler systems, buildings separated by less than ten (10) feet from adjacent buildings shall be considered as one building. Fire barriers, partitions and walls, regardless of rating, shall not be considered as creating separate buildings for purposes of determining fire sprinkler requirements. Mezzanines shall be included in the total square footage calculation.

**(A) Section 903.2.1 Additions.** An automatic sprinkler system installed in accordance section 903.2 may be required to be installed throughout structures when the addition is more than 50% of the existing building or when the altered building will exceed a fire flow as calculated per section 507.3. The fire code official may require an automatic sprinkler system be installed in buildings where no water main exists to provide the required fire flow or where a special hazard exists such as: poor access roads, grade and canyon rims, hazardous brush and response times greater than 5 minutes by a fire department. When Fire Sprinklers are required under additions this shall meet the entire structure or structures shall be equipped with fire sprinklers. The Fire code official may require that other protective measures be taken based on existing conditions and/or potential hazards.

**EXCEPTIONS:**

**(D) Exception (1)** is hereby deleted and replaced with the following:

**(R) (1) Commercial and Group U occupancies** not greater than 500 square feet, when building lies more than 20 feet from an adjacent structure or property line unless otherwise required by the fire and building code.

**(A) (2) Accessory buildings/barns** not greater than 1000 square feet, and not otherwise considered enclosed buildings/structures, which are of ignition resistant construction or as determined by the Chief to not present a significant fire hazard.

**(A) (3) Agricultural buildings** constructed of wood or metal frames, over which fabric or similar material is stretched, which are specifically used as green houses are exempt from the automatic sprinkler requirements unless physically connected to other structures.

**Chapter 9 Standpipe Systems – Section 905** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 905.3.1 Building Height.** All references to stories “more than 30 feet” above or below fire department vehicle access shall be changed to “more than 20 feet”.

**Chapter 14 Fire Safety During Construction and Demolition – Section 1418** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 1418 Fuel Modification or Vegetation Modification**

**(A) Section 1418.1 Fuel Modification Zone During Construction.** Any person doing construction of any kind which requires a permit under this code or the building code shall install a fuel modification zone prior to allowing any combustible material to arrive on the site and shall maintain the zone during the duration of the project.

**Chapter 27 Hazardous Materials – Section 2701** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 2701.5.1.1 HMMP Approved Location.** The hazardous materials management plan shall be placed in an approved location, in a security box or other method of storage as approved by the fire chief or designated representative.

**SECTION 3**

That the geographic limits referred to in certain sections of the 2010 California Fire Code is hereby established as follows:

**Chapter 34 Flammable and Combustible Liquids** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 3404.2.9.6.1 The geographical limits** of the City of Lemon Grove in which the storage of **Class I and Class II** liquids in above-ground tanks outside of buildings is prohibited: The limits referred to in Section 3404.2.9.6.1 and 3406.2.4.4 of the 2010 California Fire Code and the 2009 International Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are hereby established as the jurisdictional limits of the City of Lemon Grove Fire Department.

#### **EXCEPTIONS:**

1. 2000 gallons maximum temporary above ground tanks meeting UL 2085 for private use on farms, agricultural and rural property, remote construction sites, earth moving projects, gravel pits or borrow pits. Such tanks shall be specially designed, approved, and listed, and have features incorporated into their design, which mitigates concerns for exposure to heat (two-hour fire resistance), ignition sources, and mechanical damage.

2. Crankcase draining may be stored in specially constructed above ground storage tanks, approved by the Fire code official, with a maximum capacity of 550 gallons. Such tanks may be located within a building when the Fire code official deems appropriate, and the container meets the following: specially designed, approved, and listed containers, which have features incorporated into their design, which mitigates concerns for exposure to heat, ignition sources, and mechanical damage. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. In no case shall such storage be permitted in residential or institutional property.

3. With the Fire Code Official's approval, Class I and II liquids may be stored above ground outside of buildings in specially designed, approved, and listed containers, which have features incorporated into their design, which mitigates concerns for exposure to heat, ignition sources, and mechanical damage. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. The Fire code official may disapprove the installation of such containers when in his opinion their use presents a risk to life or property.

4. With the Fire Code Official's approval, temporary storage of a maximum of 10,000 gallons Class II liquids may be permitted for a period not to exceed ninety days (90) at remote construction sites, earth-moving projects, gravel pits, or borrow pits, consistent with 3404 and 3406.

**(R) Section 3406.2.4.4** the geographic limits in which the storage of **Class I and Class II** liquids in aboveground tanks is prohibited are residential areas within the City of Lemon Grove.

**Chapter 35 Flammable Cryogenic Fluids** is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 3506.2 The geographic limits** in which the storage of flammable cryogenic fluids in stationary containers is prohibited is hereby established as the jurisdictional limits of the City of Lemon Grove unless otherwise approved by the FAHJ.

**(R) Section 3804.2 The geographic limits** referred to in Section 3804.2 of the 2010 California Fire Code in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas are hereby established as the jurisdictional limits of the City of Lemon Grove.

#### **EXCEPTION:**

The bulk storage of liquefied petroleum gases is prohibited within the residential zones of the city.

#### **SECTION 4**

That Ordinance 395, an Ordinance Of The City of Lemon Grove Fire Department, which Adopts The California Fire Code, 2010 Edition, with Certain Amendments, the 2009 International Fire Code, and National Fire Protection Association Standards 13, 2002 Edition, 13-D, 2010 Edition, and 13-R, 2002 Edition and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### **SECTION 5**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared invalid or unconstitutional.

#### **SECTION 6**

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

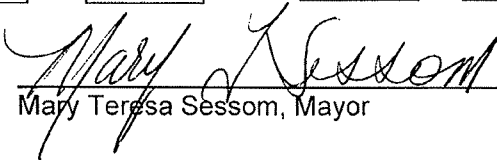
////

////

This ordinance was introduced on November 2, 2010.

PASSED AND ADOPTED this 16 day of November 2010, by the following vote, to wit:

| <u>COUNCILMEMBERS</u> | <u>AYES</u>                         | <u>NOES</u>              | <u>ABSTAIN</u>           | <u>ABSENT</u>            |
|-----------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Mary Teresa Sessom    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mary England          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| George Gastil         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jerry Jones           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jerry Selby           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

  
Mary Teresa Sessom, Mayor

This Ordinance shall become effective thirty days following its passage and adoption.

#### ATTEST AND CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No. 395, which has been published pursuant to law.



Susan Garcia, City Clerk  
City of Lemon Grove, California



# Attachment C

## CITY OF LEMON GROVE FIRE DEPARTMENT

### 2010 California Fire Code and 2009 International Fire Code Adoption

#### **FINDING OF FACTS**

Pursuant to SECTIONS 18941.5, 17922, 17959.5 and 17958.7 of the Health and Safety Code of the State of California, and in recognition that modifications of Sections and/or Articles of the 2010 *California Fire Code* and the 2009 *International Fire Code* is proposed that would provide more restrictive standards than the State Building Standards Code, and that such modification is reasonably necessary to better serve the public interest by reducing the risk of loss of life and property and to the citizens of Lemon Grove; this "Findings of Facts" document is submitted.

#### **FINDING 1**

That the City of Lemon Grove is bordered by two major freeways (Highway 125 and Highway 94) traversing in an east/west direction and a north/south direction. It is a frequent occurrence for the aforementioned freeways to support the transportation of hazardous materials. The potential for release or threatened release of hazardous material along one of these freeways is probable, given the volume transported daily. The City is also transected by a mass transit trolley line that begins in the City of San Diego, travels through the City of Lemon Grove and ends in the City of Santee. The trolley system runs through the City every seven minutes and delays emergency vehicles on a daily basis. The City of Lemon Grove has experienced and will continue to experience increased conditions of traffic congestion. These conditions will negatively affect access and the Fire Department's ability to deliver service. Furthermore, the afore-described conditions support the imposition of fire protection requirements greater than those set forth in the State Building Standards Code. In particular, they support the imposition of greater requirements than set forth in Chapter 9 of the 2010 *California Fire Code* and the 2009 *International Fire Code*.

#### **FINDING 2**

The City of Lemon Grove is situated near three major earthquake faults, each capable of generating quakes with a magnitude of 7.0. These faults are the Ellsinore Fault, approximately 40 km northeast of Lemon Grove; the Rose Canyon Fault, which extends east from La Jolla Cove, through Rose Canyon and west into San Diego; and the Coronado Banks Fault that extends in a northwest/southeast direction, just off our coast. In as much as these faults are included as major California earthquake faults, which are subject to becoming active at any time, the City of Lemon Grove is particularly vulnerable to devastation, should an earthquake of such magnitude occur. The potential effects include isolating the City of Lemon Grove from the north and south due to the potential of collapsing freeway overpasses. Additional potential situations inherent in such an occurrence include: water main breaks, broken natural gas mains causing structure and other fires, possible leakage of hazardous materials, the need for rescues from collapsed structures, and the rendering of first aid and other medical attention to large numbers of people. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the State Building Standard Code and in particular, support the imposition of greater requirements than set forth in Chapter 9 of the 2010 *California Fire Code* and the 2009 *International Fire Code*.

#### **FINDING 3**

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



January 10, 2010

Ms. Carol Dick, Community Development Director  
Filing of Local Building Amendments  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, California 91945-1705

Dear Ms. Carol Dick:

This letter is to acknowledge receipt on December 10, 2010 of the City of Lemon Grove submittal pertaining to Ordinance No. 396 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Jane Taylor  
Senior Architect

cc: Chron



# CITY OF LEMON GROVE

## Community Development Department

"Best Climate On Earth"

December 8, 2010

Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Subject: City of Lemon Grove's Filing of Local Amendment  
Ordinance 396 – California Building Standards Code

Dear Sirs or Madams:

On December 7, 2010 the Lemon Grove City Council held a public hearing and adopted Ordinance No. 396 adopting the 2010 California Building Code, California Residential Code, 2010 Edition, California Electrical 2010 Edition, California Plumbing Code 2010 Edition, the California Green Building Code and the 2010 California Energy Code.

The adoption does not include new provisions that are more restrictive than the State; however, previous amendments are included by reference and specific findings related to local climatic, geological, and topographical conditions were made.

The City was required to implement this Ordinance by January 1, 2011 and was unable to accommodate this deadline. The City of Lemon Grove is enforcing the State Ordinance during the interim period. The City of Lemon Grove will implement Ordinance 396 – California Building Standards Code commencing January 8, 2011.

If you have any questions regarding the matter addressed in this letter, please contact me at 619-825-3806.

Sincerely,

Carol Dick  
Community Development Director

Enc. Ordinance 396

Cc: Engineering Department  
James Lough, City Attorney  
Graham Mitchell, City Manager

2010 DEC 10 P 1:53  
CITY OF LEMON GROVE  
COMMUNITY DEVELOPMENT

**ORDINANCE NO. 396**

**AN ORDINANCE OF THE CITY OF LEMON GROVE RESCINDING CHAPTERS 15.06, 15.08, 15.16, 15.20, 15.28, 15.32 AND 15.38 OF THE LEMON GROVE MUNICIPAL CODE AND ADOPTING NEW CHAPTERS 15.06, 15.08, 15.10, 15.20, 15.28, 15.32, 15.34, AND 15.40 REGARDING 2010 CALIFORNIA BUILDING STANDARDS, WHICH INCORPORATES THE CALIFORNIA BUILDING CODE, THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION; THE CALIFORNIA PLUMBING CODE, 2010 EDITION; THE CALIFORNIA MECHANICAL CODE, 2010 EDITION; THE CALIFORNIA GREEN BUILDING CODE, 2010 EDITION; AND THE CALIFORNIA ENERGY CODE, 2010 EDITION.**

---

**WHEREAS**, on November 16, 2010 the City Council of the City of Lemon Grove introduced this proposed ordinance; and

**WHEREAS**, the City of Lemon Grove last revised its construction codes in 2007; and

**WHEREAS**, California Health and Safety Code section 17958 requires that cities adopt building regulations that are substantially the same as those adopted by the California Building Standards Commission and contained in the California Building Standards; and

**WHEREAS**, the City Council finds that the previous modifications and changes to the California Codes are reasonably necessary because of the following climatic, geologic, and topographic conditions:

1. The City is situated in hilly, inland terrain. Large areas are covered by vegetation on steep and frequently inaccessible hillsides. The native ground cover may contain highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas may not be adequate.
2. The climate is warm and dry. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can significantly enlarge wildland fires as well as cause abrupt and unpredictable changes in the fire direction. Temperatures range between 75 and 100 degrees farhenheit and common throughout the year.
3. The potential for fire damage is great in the wildland area, as such, a fire can spread rapidly and difficult terrain and explosive vegetation can slow response time.
4. The high water table, expansive clay-like soils, and history of unregulated grading including uncompacted fills existing within the City of Lemon Grove constitute local conditions that require that the california Building Standards Code be modified as expressed herein.; and

**WHEREAS**, local amendments previously adopted by the City of Lemon Grove shall be incorporated as current amendments;

**WHEREAS**, the City Council of the City of Lemon Grove does herewith find that the City of Lemon Grove has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services;.

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**Section 1:** The City Council of the City of Lemon Grove finds that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section

15308 in that the adoption of the State mandated building codes as proposed could not result in an adverse impact on the environment; and

**Section 2:** The City Council of Lemon Grove hereby:

A. Rescinds Chapters 15.06, 15.08, 15.16, 15.20, 15.28, 15.32 and 15.36 of the Lemon Grove Municipal Code; and

B. Adopts new Chapters 15.06, 15.08, 15.10, 15.20, 15.28, 15.32, 15.34 and 15.36 of the Lemon Grove Municipal Code to read as follows.

## **Chapter 15.06**

### **ADMINISTRATIVE CODE**

#### **Sections:**

|                  |   |
|------------------|---|
| <b>15.06.10</b>  | <b>Adoption</b>   |
| <b>15.06.020</b> | <b>Deletions, revisions and additions</b>                   |
| <b>15.06.030</b> | <b>Section 201.2 amended</b>                                |
| <b>15.06.040</b> | <b>Section 205 amended</b>                                  |
| <b>15.06.050</b> | <b>Section 206 amended</b>                                  |
| <b>15.06.060</b> | <b>Section 301.1 amended</b>                                |
| <b>15.06.080</b> | <b>Section 303.1.1 added</b>                                |
| <b>15.06.100</b> | <b>Section 304 amended</b>                                  |
| <b>15.06.150</b> | <b>Tables 3-A, 3-B, 3-C, 3-E, 3-F, 3-G, and 3-H deleted</b> |

#### **15.06.010 Adoption of the Uniform Administrative Code.**

There is hereby adopted by reference that certain document known as the Uniform Administrative, 1997 Edition, as published by the International Conference of Building Officials, one copy of which is filed in the Office of the City Clerk. Said document is adopted for the purpose of establishing the administration, organization, and enforcement of rules and regulations for the technical codes adopted by the city. All provisions of the Uniform Administrative Code, 1997 Edition, are referred to , adopted and made a part of this code, as though full set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

#### **15.06.020 Amendments in general.**

Deletions, revisions and additions to the Uniform Administrative Code, 1997 Edition, shall be as set forth in Sections 15.06.030 thru 15.06.150.

#### **15.06.030 Section 201.2 amended.**

Section 201.2 of the Uniform Administrative Code is amended to read of follows:

**201.2 GENERAL** Whenever the terms or the title "administrative authority," "responsible official," Building Official," "chief inspector," "code enforcement officer" or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his duly authorized representative.

**15.06.040 Section 205 amended.**

Section 205 of the 1997 Uniform Administrative Code adopted by reference in Section 15.06.010 is amended to read as follows:

**SECTION 205 – VIOLATIONS** Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

**15.06.050 Section 206 added.**

Section 206 of the 1997 Uniform Administrative Code is added to read as follows:

**Section 206.** Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

**15.06.060 Section 301 amended.**

Section 301 of the Uniform Administrative Code is amended by adding, at the end on the section, the following:

Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

**15.06.080 Section 303.1.1 added.**

Section 303.1.1 is added to the Uniform Administrative Code to read as follows:

**303.1.1 Permit denial.** The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this chapter and chapter 15.12 of this code, or where exists unlawful construction, or where exists a significant violation of this code.

**15.06.100 Section 304 amended.**

Section 304 is amended to read as follows:

**304.1 General.** Fees shall be assessed as set forth in a resolution duly adopted by the City Council.

**304.2 Permit Fees.** The fee for each permit shall be as set forth in a resolution duly adopted by the City Council.

The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment. The permit fees for those projects subject to State energy code compliance shall be as set forth in a resolution adopted by the City Council.

**304.3 Plan Review Fees.** When submittal documents are required by Section 302.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be as shown in a resolution adopted by the City Council.

The plan review fees for electrical, mechanical and plumbing work shall be as set forth in a resolution adopted by the City Council.

The plan review fees for State energy compliance and/or State disabled access regulations compliance shall be as set forth in a resolution duly adopted by the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 304.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 302.4.2, an additional plan review fee shall be charged at the rate shown in a resolution duly adopted by the City Council. .

**304.4 Expiration of Plan Review.** Applications for which no permit is issued within one year following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

#### **304.5 Investigation Fees: Work without a Permit.**

**304.5.1 Investigation.** Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

**304.5.2 Fee.** An investigation fee, in addition to the permit fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in a resolution duly adopted by the City Council. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

**304.6 Fee Refunds.** The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**304.7 Permit History Survey Fee.** The fee for conducting a permit history survey of an existing structure or facility shall be the fee as set forth in a resolution duly adopted by the City Council.

**304.8 Demolition Permit Fee.** The fee for a permit to demolish a building shall be as set forth in a resolution duly adopted by the City Council.

**304.9 Fee Exceptions.** The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

**15.06.150 Tables 3-A, 3-B, 3-C, 3-D, 3-E, 3-F, 3-G and 3-H deleted.**

Tables 3-A, 3-B, 3-C, 3-D, 3-E, 3-F, 3-G, and 3-F are here by deleted from the 1997 Uniform Administrative Code.

**Chapter 15.08**

**BUILDING CODE**

**Sections:**

|                  |  |
|------------------|--|
| <b>15.08.010</b> | <b>Adoption.</b>                           |
| <b>15.08.020</b> | <b>Findings.</b>                           |
| <b>15.08.030</b> | <b>Deletions, revisions and additions.</b> |
| <b>15.08.040</b> | <b>Chapter 1 deleted.</b>                  |
| <b>15.08.050</b> | <b>Section 903.2.10.3 amended.</b>         |
| <b>15.08.060</b> | <b>Appendices deleted.</b>                 |

**15.08.010 Adoption of the California Building Code, Part 2, Title 24 of the California Code of Regulations.** There is adopted and incorporated by reference herein as the city building code for the purpose of prescribing regulations in the City of Lemon Grove for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2010 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the 2010 California Building Standards Code, as defined in the California State Health and Safety Code, Section 18901 et seq. , including those



Appendix Chapters shown as adopted by this Chapter. Except as otherwise provided by this Chapter and Chapter 15.06 of the City of Lemon Grove Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the City of Lemon Grove shall be in conformance with the 2010 California Building Code .

**15.08.020 Findings.** The City of Lemon Grove has large brush-covered hillsides. The City is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The City Council specifically finds that these geographic and topographic conditions necessitate greater fire protection than that provided by the State Building Code. Therefore, this chapter alters the 2010 California Building Code to require more fire retardant roof coverings.

**15.08.030 Deletions, revisions and additions to the 2010 California Building Code** Deletions, revisions and additions to the 2010 California Building Code shall be as set forth in Sections 15.08.040 through 15.05.060.

**15.08.040 Chapter 1, ADMINISTRATION, Division II Deleted.** Chapter 1, ADMINISTRATION, Division II, of the 2010 California Building Code is deleted.

**15.08.060 Appendices Chapter C, Chapter H, and Chapter I Deleted.** Appendix Chapters C, H and I of the 2010 California Building Code are adopted.

## **Chapter 15.10**

### **RESIDENTIAL CODE**

#### **Sections:**

- 15.10.010      Adoption**
- 15.10.020      Section R313.2 amended**

**15.10.010      Adoption of the California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.** There is adopted and incorporated by reference herein as the city residential code for the purpose of establishing provisions for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade, the 2010 California Residential Code. Except as otherwise provided by this Chapter and Chapter 15.06 of the City of Lemon Grove Municipal Code, all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade within the City of Lemon Grove, shall be in conformance with the 2010 California Residential Code, published by the California Building Standards Commission.

**15.10.20      Section R313.2 is amended to read:**

**R3132 One- and two-family dwellings automatic fire systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings in accordance with the City of Lemon Grove Fire Code, Chapter 15.36.

**Exception –deleted.**

## Chapter 15.20

### PLUMBING CODE

#### Sections:

|           |                                  |
|-----------|----------------------------------|
| 15.20.010 | Adoption                         |
| 15.20.020 | Deletions                        |
| 15.20.030 | Chapter 1, Division II, deleted. |
| 15.20.040 | Appendix G adopted.              |

**15.20.010 Adoption of the California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.** There is adopted and incorporated by reference herein as the city plumbing code for the purpose of prescribing regulations in the City of Lemon Grove for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2010 California Plumbing Code, Part 5, Title 24 of the 2010 California Code of Regulations, a portion of the 2010 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this Chapter and Chapter 15.06 of the City of Lemon Grove Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the City of Lemon Grove shall be in conformance with 2010 California Plumbing Code which is based on the Uniform Plumbing Code, 2009 Edition, published by the California Building Standards Commission.

**15.20.020 Deletions to the California Plumbing Code.** Deletions to the 2010 California Plumbing Code shall be as set forth in Section 15.20.030 and 15.20.040

**15.20.030 Chapter 1 – ADMINISTRATION, Division II, Deleted.** Chapter 1 – ADMINISTRATION, Division II, of the 2010 California Plumbing Code is deleted.

**15.20.040 Appendix G Adopted.** Appendix Chapter G of the 2010 California Plumbing Code is adopted.

## Chapter 15.28

### MECHANICAL CODE

#### Sections:

|           |                                  |
|-----------|----------------------------------|
| 15.28.010 | Adoption.                        |
| 15.28.020 | Deletions.                       |
| 15.28.030 | Chapter 1, Division II, Deleted. |

**15.28.010 Adoption of the California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.** There is adopted and incorporated by reference herein as the city mechanical code for the purpose of prescribing regulations in the City of Lemon Grove for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators

or other miscellaneous heat-producing appliances, the 2010 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the 2010 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this Chapter and Chapter 15.06 of the City of Lemon Grove Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances shall be in conformance with 2010 California Mechanical Code and any rules and regulations promulgated pursuant thereto, published by the California Building Standards Commission.

**15.28.020 Deletions to the California Mechanical Code.** Deletions to the 2010 California Mechanical Code shall be as set forth in Sections 15.28.030.

**15.28.030 Chapter 1 -- ADMINISTRATION, Division II, Deleted.** Chapter 1 -- ADMINISTRATION, Division II, of the 2010 California Mechanical Code is deleted .

### **Chapter 15.32**

### **ELECTRICAL CODE**

#### **Sections:**

#### **15.32.010 Adoption.**

**15.32.010 Adoption of the California Electrical Code, Part 3, Title 24 of the California Code of Regulations.** There is adopted and incorporated by reference herein as the city electrical code for the purpose of prescribing regulations in the City of Lemon Grove for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2010 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2010 California Building Standards Code based on the National Electrical Code, 2008 Edition. Except as otherwise provided by this Chapter and Chapter 15.06 of the City of Lemon Grove Municipal Code, all installation, alteration or repair of electrical systems within the City of Lemon Grove shall be in conformance with 2010 California Electrical Code, published by the California Building Standards Commission.

### **Chapter 15.34**

### **GREEN BUILDING CODE**

#### **Sections:**

#### **15.34.010 Adoption**

**16.34.010 Adoption of the California Green Building Code. Part 11, Title 24 of the California Code of Regulations.**

**Chapter 15.36**

**ENERGY CODE**

**Sections:**

**15.36.010 Adoption.**

**15.36.010 Adoption of the California Energy Code, Part 6, Title 24 of the California Code of Regulations.** There is adopted and incorporated by reference herein as the city energy code for the purpose of prescribing regulations in the City of Lemon Grove for the conservation of energy the 2010 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2010 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this Chapter and Chapter 15.06 of the City of Lemon Grove Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with California State Code and any rules and regulations promulgated pursuant thereto, including the 2010 California Energy Code, published by the California Energy Commission.

**EFFECTIVE DATE:** This ordinance shall take effect and be in force thirty (30) days after the date of its passage; and the City Clerk of the City of Lemon Grove is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the East County Californian, a newspaper of general circulation published in the City of Lemon Grove.

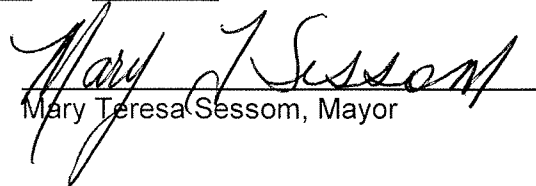
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This ordinance was introduced on November 16, 2010.

PASSED AND ADOPTED this 7 day of December 2010, by the following vote, to wit:

COUNCILMEMBERS


|                    | <u>AYES</u>                         | <u>NOES</u>              | <u>ABSTAIN</u>           | <u>ABSENT</u>            |
|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Mary Teresa Sessom | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mary England       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| George Gastil      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jerry Jones        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jerry Selby        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

  
Mary Teresa Sessom, Mayor

This Ordinance shall become effective thirty days following its passage and adoption.

ATTEST AND CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No. 396, which has been published pursuant to law.

  
Susan Garcia, City Clerk  
City of Lemon Grove, California